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10/688,513	10/17/2003	Amy E. Battles	200209018-1	1997

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EXAMINER

HADIDI, JON

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,513	BATTLES, AMY E.	
	Examiner	Art Unit	
	Jon Hadidi	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the transfer control" at line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the transferring steps" at line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "concurrently" at line 3. Claim 13 is indefinite because the Specification at paragraph [0044] states that "functions may be executed out of order from that shown or discussed, including substantially concurrently or in reverse order." The term "concurrently" in claim 13 has a different connotation than "substantially concurrently" as defined in the Specification. Appropriate correction, such as changing "concurrently" to "substantially concurrently", is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by
Middleton, U.S. Publication No. US 2004/0259590.

With regard to claim 1, Middleton describes an image playback system that presents a representation of an image (see Fig. 2, display 140 which displays images, and see paragraph [0024], wherein a user can view an image on display 140) wherein magnification logic (see Middleton, Fig. 1, wherein microprocessor 124 is the magnification logic because it controls programs stored in memory 123, and wherein memory 123 stores images to be magnified – see paragraphs [0016] and [0019]) responsive to a user preferred magnification step is applied to image information used to generate the representation (see paragraphs [0019] and [0020], wherein a user uses multi-function control 142 to perform a zoom or magnification function); a magnification control including a zoom in switch and a zoom out switch to effect respective zoom in and zoom out operations on the representation (see Fig. 2 and paragraph [0020], wherein joystick control 148 or multifunction control 142 allows a user to zoom in and out of a stored image); and a position control including an up switch, a down switch, a left switch, and a right switch to effect respective up, down, left, and right pan operations

on the representation (see Fig. 2, wherein joystick control 148 is inherently a up, down, left, right switch, and wherein joystick control 148 allows for pan operations on the image, see paragraph [0020]).

With regard to claim 2, a transfer control to effect a transfer operation of the image information associated with the representation as modified by the magnification and position controls to a device communicatively coupled to the digital camera (see Middleton, paragraph [0026], wherein a user uses a joystick to zoom in on an image, and wherein the image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 3, wherein the magnification logic applies a discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information (see Middleton, paragraphs [0019] and [0020], wherein the user zooms in and out of the image on the display 140 at a focal point of the image which is at the center of camera phone 100's range or view).

With regard to claim 4, Middleton describes wherein operation of successive zoom in and zoom out operations, respectively occur in sufficiently small increments so as to be perceived by the user as continuous (see Middleton, paragraph [0020], wherein the user zooms in and out of a stored image in image review mode, and wherein the zoom control maintains a selected focal point at the center of the display as the user zooms in and out of the image).

With regard to claims 5 and 19, Middleton describes logic for identifying that portion of the image information responsible for the representation (see Middleton, Fig.

1, wherein microprocessor 124 is the logic identifying that portion of the image information responsible for the representation because it works in conjunction with image processing program instructions which are integrated with microprocessor 124, and microprocessor 124 access memory 123, which stores images to be processed and magnified – see paragraphs [0016] and [0019]).

With regard to claim 6, wherein the logic for identifying is responsive to the transfer control and presents visible indicia on the unmodified representation to demark a select portion of the image information (see Middleton, paragraph [0020], wherein the center point of a stored image remains at the center of the display as the user zooms in and out of the image, and wherein the focal may be changed to a different selected point on the image by the user, and see paragraph [0026], wherein a user uses a joystick to select a new focal point on an image which presents a visible indicia on the unmodified representation to demark a select portion of the image information, wherein the joystick has a push button for transferring the image to another wireless subscriber).

With regard to claim 7, wherein the transfer operation forwards the select portion of the image information (see Middleton, paragraph [0026], wherein a user uses a joystick to select a focal point on an image, and to then zoom in on an image at the selected focal point, and wherein the selected/zoomed image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 8, Middleton describes an image acquisition system; and a shutter that triggers the image acquisition system to acquire and index image information responsive to light incident upon an image sensor while the image playback

means is active (see Middleton, paragraph [0015], wherein the image acquisition system is the camera phone 100 which comprises a camera assembly 110, and wherein the camera's lens focuses light onto image sensor 114; and also see paragraph [0026], wherein the push button of the joystick is used as a shutter control that triggers the camera phone to acquire an image and to inherently index the image when the image playback means is active. If the image were not inherently indexed, then there would be no way for the user to access the acquired images).

With regard to claim 9, identifying image information; generating a representation of the image information (see Middleton, paragraphs [0015] and [0020], wherein the camera phone 100, which comprises a camera assembly 110, is the logic for acquiring information, and wherein the camera's lens focuses light onto image sensor 114; and also see paragraph [0026], wherein the push button of the joystick is used as a shutter control that triggers the camera phone to acquire an image); magnifying the representation using a discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information to produce a modified representation of the image information (see Middleton, paragraphs [0019] and [0020], wherein the user zooms in and out of the image on the display 140 at a focal point of the image which is at the center of camera phone 100's range or view); presenting the modified representation of the image information image (see Fig. 2, display 140 which displays images, and see paragraph [0024], wherein a user can view the image on display 140); controllably magnifying the modified representation responsive to a magnification control associated with the digital camera (see Fig. 2 and paragraph

[0020], wherein joystick control 148 or multifunction control 142 allows a user to zoom in and out of a stored image); and controllably panning across the modified representation such that preferred subject matter is observable in a desired representation (see Fig. 2, wherein joystick control 148 is inherently a up, down, left, right switch, and wherein joystick control 148 allows for pan operations on the image, see paragraph [0020]).

With regard to claim 10, controllably transferring that portion of the image information corresponding to the desired representation (see Middleton, paragraph [0026], wherein a user uses a joystick to select a focal point on an image which is the desired representation of the image, and wherein the desired representation of the image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 11, wherein the step of controllably magnifying results in the presentation of successive modified representations of the image information that give the impression to a user that magnification is continuous (see Middleton, paragraph [0020], wherein the user zooms in and out of a stored image in image review mode, and wherein the zoom control maintains a selected focal point at the center of the display as the user zooms in and out of the image).

With regard to claim 12, activating the discrete magnification step via a menu selection (see Middleton, paragraphs [0017], wherein display 140 allows a user to see menu options, and see paragraphs [0018], [0019], and Fig. 1, wherein user interface 134 includes a multi-function control 142, wherein multi-function control 142 controls a

zoom function. See also paragraph [0021], wherein multi-function control 142 operates as a menu).

With regard to claim 13, enabling the image acquisition system to acquire image information responsive to light incident on an image sensor concurrently with any one of the identifying, generating, magnifying, panning, and transferring steps (see Middleton, paragraph [0015], wherein the image acquisition system is the camera phone 100 which comprises a camera assembly 110, and wherein the camera's lens focuses light onto image sensor 114; and also see paragraph [0026], wherein the push button of the joystick is used as a shutter control that triggers the camera phone to acquire an image and to inherently index the image when the image playback means is active. If the image were not inherently indexed, then there would be no way for the user to access the acquired images. Furthermore, note that an image can be taken and a wireless transfer of the picture can take place without the camera phone 100 leaving the camera mode. In addition, see Fig. 2, display 140 which displays images, and see paragraph [0024], wherein a user can view and identify the image on display 140 and the user can push the button at the same time as identifying and viewing the image).

With regard to claim 14, acquiring image information; indexing the image information such that the image information can be processed (see Middleton, paragraphs [0015] and [0020], wherein the camera phone 100, which comprises a camera assembly 110, is the logic for acquiring information, and wherein the camera's lens focuses light onto image sensor 114; and also see paragraph [0026], wherein the push button of the joystick is used as a shutter control that triggers the camera phone to

acquire an image and to inherently index the image when the image playback means is active. If the image were not inherently indexed, then there would be no way for the user to access the acquired images); magnifying a representation of the image information responsive to a discrete magnification step that results in a first magnified representation, the discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information (see Middleton, paragraphs [0019] and [0020], wherein the user zooms in and out of the image on the display 140 at a focal point of the image which is at the center of camera phone 100's range or view); presenting the first magnified representation; magnifying the first magnified representation, when desired, to generate a second magnified representation responsive to a control input, wherein magnifying the first magnified representation is perceptually continuous over a magnification range (see Middleton, paragraph [0020], wherein the user zooms in and out of a stored image in image review mode, and wherein the zoom control maintains a selected focal point at the center of the display as the user zooms in and out of the image); and panning across the second magnified representation, when desired, such that preferred subject matter is observable in a desired representation (see Fig. 2, wherein joystick control 148 is inherently a up, down, left, right switch, and wherein joystick control 148 allows for pan operations on the image, see paragraph [0020]).

With regard to claim 15, logic for transferring that portion of the image information corresponding to the desired representation (see Middleton, paragraph [0026], wherein a user uses a joystick to select a focal point on an image which is the desired

representation of the image, and wherein the desired representation of the image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 16, wherein the logic for transferring forwards the select portion of the image information to a device communicatively coupled to a digital camera (see Middleton, paragraph [0026], wherein a user uses a joystick to zoom in on an image, and wherein the image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 17, logic for generating a menu (see Middleton, paragraph [0017], wherein display 140, coupled to an application-specific integrated logic circuit (ASIC) as described in paragraph [0016] and as shown in Fig. 1, allows a user to see dialed digits, images, called status, menu options, and other service information. Also see Fig. 1, wherein user interface 134 includes a multi-function control 142, wherein multi-function control 142 controls a zoom function. See also paragraph [0021], wherein multi-function control 142 operates as a menu).

With regard to claim 18, wherein the logic for generating a menu activates a menu option that when selected further activates the discrete magnification step (see Middleton, paragraphs [0017], wherein display 140 allows a user to see menu options, and see paragraphs [0018], [0019], and Fig. 1, wherein user interface 134 includes a multi-function control 142, wherein multi-function control 142 controls a zoom function. See also paragraph [0021], wherein multi-function control 142 operates as a menu).

With regard to claim 20, logic for generating a transfer control that presents visible indicia on the unmodified representation to demark a select portion of the image information (see Middleton, paragraph [0020], wherein the center point of a stored image remains at the center of the display as the user zooms in and out of the image, and wherein the focal may be changed to a different selected point on the image by the user, and see paragraph [0026], wherein a user uses a joystick to select a new focal point on an image which presents a visible indicia on the unmodified representation to demark a select portion of the image information, wherein the joystick has a push button for transferring the image to another wireless subscriber).

With regard to claim 21, wherein the logic for acquiring information is accessible and executable concurrently with logic for indexing, presenting, magnifying, panning, and transferring image information (see Middleton, paragraphs [0015] and [0020], wherein the camera phone 100, which comprises a camera assembly 110, is the logic for acquiring information, and wherein the camera's lens focuses light onto image sensor 114; and also see paragraph [0026], wherein the push button of the joystick is used as a shutter control that triggers the camera phone to acquire an image and to inherently index the image when the image playback means is active. If the image were not inherently indexed, then there would be no way for the user to access the acquired images. Furthermore, an image can be taken and a wireless transfer of the picture can take place without the camera phone 100 leaving the camera mode. See also Fig. 2, display 140 which displays or presents the images, and see paragraph [0024], wherein a user can view an image on display 140. See paragraphs [0019] and [0020], wherein

the user zooms in and out of the image on the display 140. See Fig. 2, wherein joystick control 148 is inherently a up, down, left, right switch, and wherein joystick control 148 allows for pan operations on the image, see paragraph [0020]).

With regard to claim 22, means for presenting a representation of an image (see Fig. 2, display 140 which displays images, and see paragraph [0024], wherein a user can view an image on display 140) responsive to a user preferred initial magnification step, wherein the user preferred initial magnification step is applied to image information to generate the representation (see paragraphs [0019] and [0020], wherein a user uses multi-function control 142 to perform a zoom or magnification function); means for effecting zoom in and zoom out operations on the representation; and means for effecting up, down, left, and right pan operations on the representation (see Fig. 2, wherein joystick control 148 is inherently a up, down, left, right switch, and wherein joystick control 148 allows for pan operations on the image, see paragraph [0020], and further see Middleton, paragraph [0026], wherein a user uses the joystick to zoom in on an image).

With regard to claim 23, means for effecting a transfer of the image information associated with the representation as modified by the means for effecting zoom in and zoom out operations and means for effecting up, down, left, and right pan operations to a device communicatively coupled to the digital camera representation (see Fig. 2, wherein joystick control 148 is inherently a up, down, left, right switch, and wherein joystick control 148 allows for pan operations on the image, see paragraph [0020], and further see Middleton, paragraph [0026], wherein a user uses the joystick to zoom in on

an image, and wherein the image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 24, wherein the means for effecting zoom in and zoom out operations on the representation applies magnification steps in sufficiently small increments so as to be perceived by the user as continuous (see Middleton, paragraph [0020], wherein the user zooms in and out of a stored image in image review mode, and wherein the zoom control maintains a selected focal point at the center of the display as the user zooms in and out of the image).

With regard to claim 25, means for identifying that portion of the image information responsible for the representation (see Middleton, Fig. 1, wherein microprocessor 124 is the logic identifying that portion of the image information responsible for the representation because it works in conjunction with image processing program instructions which are integrated with microprocessor 124, and microprocessor 124 access memory 123, which stores images to be processed and magnified – see paragraphs [0016] and [0019]).

With regard to claim 26, wherein the means for identifying is responsive to the means for effecting a transfer of the image information and presents visible indicia on the unmodified representation to demark a select portion of the image information (see Middleton, paragraph [0020], wherein the center point of a stored image remains at the center of the display as the user zooms in and out of the image, and wherein the focal may be changed to a different selected point on the image by the user, and see paragraph [0026], wherein a user uses a joystick to select a new focal point on an

image which presents a visible indicia on the unmodified representation to demark a select portion of the image information, wherein the joystick has a push button for transferring the image to another wireless subscriber).

With regard to claim 27, wherein the means for effecting a transfer of image information forwards the select portion of the image information (see Middleton, paragraph [0026], wherein a user uses a joystick to select a focal point on an image, and to then zoom in on an image at the selected focal point, and wherein the selected/zoomed image is subsequently sent to another wireless phone via the communication circuit 120 of Fig. 1).

With regard to claim 28, wherein the means for presenting applies a discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information (see Middleton, paragraphs [0019] and [0020], wherein the user zooms in and out of the image on the display 140 at a focal point of the image which is at the center of camera phone 100's range or view).

With regard to claim 29, means for acquiring image information; and means for triggering the means for acquiring image information such that the means for acquiring indexes image information responsive to light incident upon an image sensor while the means for presenting is active (see Middleton, paragraph [0015], wherein the image acquisition system which acquires image information is the camera phone 100 which comprises a camera assembly 110, and wherein the camera's lens focuses light onto image sensor 114; and also see paragraph [0026], wherein the push button of the joystick is used as a shutter control that triggers the camera phone to acquire an image

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and to inherently index the image when the image playback means is active. If the image were not inherently indexed, then there would be no way for the user to access the acquired images).

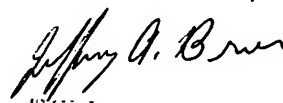
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Hadidi whose telephone number is 703-605-1187. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JH


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PRIMARY EXAMINER